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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/669,916	09/25/2000	Mitsuaki Oshima	2000_1326	2601

7590 05/23/2003

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EXAMINER

LE, AMANDA T

ART UNIT PAPER NUMBER

2634

22

DATE MAILED: 05/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/669,916	OSHIMA ET AL.
Examiner	Art Unit	
Amanda T Le	2634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 2/28/03.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 19-30 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 19-30 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 28 February 2003 is/are: a) accepted or b) objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

    1. Certified copies of the priority documents have been received.

    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)      4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)      5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 16-18.      6) Other: \_\_\_\_\_.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 19, 21, 22, 27, and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Judge.

Judge discloses a monitoring system comprising the following claimed limitations: “a receiver operable to receive digital modulated television signal” (Fig. 2, col. 3, lines 45-54), “a demodulator” (Fig. 1, element 26, col. 3, line 36), “a controller operable to examine a condition of data stream and a display” (Fig. 1, element 28, col. 4, lines 26-32).

3. Claims 19, 21-23, 25, 26, 27, 29, 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Sullivan et al.

Sullivan et al discloses a link monitor comprising the following claimed limitations: “a receiver operable to receive transmitted signal having digital modulated signal” (Fig. 1, element 20, col. 2, lines 49-51), “a demodulator” (Fig. 1, element 20), “a controller operable to detect an error rate of the data stream” (Fig. 1, element 24), “display a video signal” (Fig. 1, element 22).

4. Claims 19-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Marti et al.

Marti et al (4,303,941) discloses a television receiver (Abstract, Fig. 1) comprising the following claimed limitations: “a receiver operable to receive a transmitted television signal

(Abstract, Fig. 1, element 20, col. 2, lines 10-11), “digital modulated data” (col. 1, line 67-col. 2, line 7), “a demodulator” (Fig. 1, element 20, col. 2, lines 10-11), “video signals and a display device” (Fig. 1, element 30), “a controller operable to detect an error rate of the data stream” (Fig. 1, element 22, col. 4, line 63-col. 5, line 27), “output the data stream when the error rate is lower than a predetermined error rates” (col. 5, lines 4-6). Marti et al’s teachings of “recognizing and thereby correcting control sequences of two (or three) erroneous codes” (col. 5, lines 15-22) implicitly suggests that the number of error code in a sequence”, i.e. error rate, is detected. Further, Marti et al’s teachings of “recognizing and indicating that certain control code sequences are seriously incorrect and cannot be taken into account” , i.e., “an error rate higher than a given value can not be output” implicitly teaches that “an error rate lower than a given value is output”. Therefore, all the claimed limitations are taught by Marti et al.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Stephens et al discloses stability measurement apparatus.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Amanda Le** whose telephone number is **(703) 305-4769**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Stephen Chin**, can be reached at (703) 305-4714.

**Any response to this action should be mailed to:**

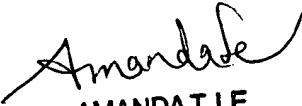
Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

  
AMANDA T. LE  
PRIMARY EXAMINER